

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIONEL J. BERRYSMITH,

Defendant.

CASE NO. CR15-122-RSL

DETENTION ORDER

Offense charged: Distribution of Cocaine Base

Date of Detention Hearing: April 29, 2015.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense, the maximum penalty of which is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

DETENTION ORDER
PAGE - 1

2. Defendant has a lengthy criminal record that includes a number of violent offenses, multiple drug charges, and a history of failure to comply with court orders. He is currently facing identity theft charges in Thurston County Superior Court, and is associated with three alias names, eight dates of birth, and three social security numbers. Defense counsel notes that defendant is contesting the pending charges and does not have any convictions for identity theft.

3. Defendant also has significant substance abuse and mental health issues.

4. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

1. Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;

3. On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

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- 1 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for
2 the defendant, to the United States Marshal, and to the United State Pretrial Services
3 Officer.

4 DATED this 29th day of April, 2015.

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6 Mary Alice Theiler
7 United States Magistrate Judge
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